HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A No.3051 of 2005 (O&M)
Date of decision : 30.01.2007

Hazoora Singh **.....Appellant**

versus

Mukhtiar Singh and others **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Baljinder Singh, Advocate for the appellant.

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ORDER

HEMANT GUPTA, J. (Oral)

C.M.No.7966-C of 2005

For the reasons mentioned in the application, the delay of 122 days in refiling the appeal is condoned.

R.S.A No.3051 of 2005

The defendant is in second appeal aggrieved against the judgment and decree passed by the Court below, whereby suit for possession of the land measuring 6 kanals 2 marlas, was decreed.

It has been found that initially the land in dispute was allotted to one Ram Kaur vide Sanad allotment dated 20.10.1956, Exhibit P-1. But the said letter of allotment was cancelled and the allotment was made in favour of Wadhawa Singh. However, the cancellation of the allotment made to Ram Kaur, was set-aside in the revision. The revision filed by Wadhawa Singh was also dismissed vide a common order in both the revisions, dated 2.1.1975, Exhibit P-2.

The appellant has entered into the possession of the suit land on the basis of alleged agreement of sale with Wadhawa Singh. The defendant has also raised plea of adverse possession. The plaintiffs, successors in-interest of Ram Kaur, filed the present suit for possession as the allotment of the land in favour of Wadhawa Singh stood cancelled.

Both the Courts below have rightly declared the predecessors in interest of the plaintiffs as owners of the suit land and rightly held that the defendant cannot protect his right on the basis of the agreement to sell with Wadhawa Singh in whose favour the allotment has been cancelled. It has been further found that even the said agreement of sale has not been produced.

In view of the above, I do not find any illegality or irregularity in the findings recorded by the Courts below, which may raise any substantial question of law in the second appeal for consideration of this Court.

Dismissed.

(HEMANT GUPTA)
JUDGE

January 30, 2007
**mohinder*